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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation

RAJYA SABHA

The following Bills were introduced in the Rajya Sabha on the 27th November, 1973:—

I

BILL NO. XL OF 1973

A Bill further to amend the Public Wakfs (Extension of Limitation) Act, 1959, as in force in the Union territory of Delhi.

BE it enacted by Parliament in the Twenty-fourth Year of the Republic of India as follows:—

Short title, extent and commencement.

1. (*1*) This Act may be called the Public Wakfs (Extension of Limitation) (Delhi Amendment) Act, 1973.

(*2*) It extends to the whole of the Union territory of Delhi.

(*3*) It shall be deemed to have effect from the 1st day of January, 1973.

Amendment of section 3 of Act 29 of 1959.

2. In section 3 of the Public Wakfs (Extension of Limitation) Act, 1959, as in force in the Union territory of Delhi, for the words, figures and letters "the 31st day of December, 1972", the words, figures and letters "the 31st day of December, 1975" shall be substituted.

STATEMENT OF OBJECTS AND REASONS

The Public Wakfs (Extension of Limitation) Act, 1959, was enacted to extend the period of limitation up to the 15th August, 1967, in respect of suits for recovering possession of immovable properties forming part of public wakfs which were under adverse possession. The period of limitation was subsequently extended up to the 31st December, 1968 and then again up to the 31st December, 1970, by Parliamentary legislation. Further, in respect of the Union territory of Delhi, the limitation period was extended up to the 31st December, 1972 by the Public Wakfs (Extension of Limitation) (Delhi Amendment) Act, 1972.

2. The extension in the period of limitation was primarily intended to enable the Wakf Boards constituted under the Wakf Act, 1954 (29 of 1954) to institute suits for the recovery of such properties after a survey of the wakfs was made under Chapter II of the said Act. It has been reported by the Delhi Administration that despite this extension, it has not been possible to complete the survey of wakf properties in Delhi. Unless the survey is completed and the ultimate findings are known, it will not be possible for the Delhi Wakf Board to institute legal proceedings for the recovery of possession of such properties. Under the circumstances, it is deemed expedient to extend the limitation period in the Union territory of Delhi up to the 31st December, 1975.

3. The Bill seeks to achieve the above object.

NEW DELHI; F. A. AHMED.

The 21st November, 1973.

II

BILL NO. XXXIX OF 1973

A Bill further to amend the Indian Works of Defence Act, 1903.

BE it enacted by Parliament in the Twenty-fourth Year of the Republic of India as follows:—

1. This Act may be called the Indian Works of Defence (Amendment) Act, 1973. Short title.

7 of 1903. **2.** In section 1 of the Indian Works of Defence Act, 1903 (hereinafter referred to as the principal Act), in sub-section (*1*), the word "Indian" shall be omitted. Amendment of section 1.

3. In section 37 of the principal Act, for the words and brackets "or (within the towns of Calcutta, Madras and Bombay) to the Commissioner of Police" the words and brackets "or (within any area for which a Commissioner of Police has been appointed) to the Commissioner of Police" shall be substituted. Amendment of section 37.

4. In section 44 of the principal Act— Amendment of section 44.

(*i*) in sub-section (*1*), for the words "The Central Government may make rules" the words "The Central Government may, by notification in the Official Gazette, make rules" shall be substituted;

(*ii*) for sub-section (*3*), the following sub-section shall be substituted, namely:—

"(*3*) Every rule made under this section shall be laid, as soon as may be after it is made, before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.".

STATEMENT OF OBJECTS AND REASONS

The Indian Works of Defence Act, 1903, *inter alia* provides for the imposition of restrictions upon the use and enjoyment of land in the vicinity of works of defence in order that such land may be kept free from buildings and other obstructions. The restrictions under the Act are imposed through civil authorities, normally the Collector. Under section 37 of the Act, if the Collector or the officer authorised under section 6 is opposed or impeded in doing anything directed or permitted by the Act, he is empowered to enforce compliance if he is himself a magistrate and if not, he has to apply to a magistrate and in the cities of Calcutta, Madras and Bombay to the Commissioner of Police, who shall enforce compliance. Since the enactment of the Act, Commissioners of Police have been appointed for certain cities other than the Presidency towns of Calcutta, Madras and Bombay. It is possible that Commissioners of Police may be appointed in future for more cities also. With a view to enabling the Collector and the officer authorised under section 6 to apply to the Commissioners of Police for enforcing compliance with the Act in any area for which a Commissioner of Police has been appointed, it is proposed to amend section 37 of the Act suitably.

2. The Bill is mainly intended to achieve the above objective.

NEW DELHI; JAGJIVAN RAM.

The 22nd November, 1973.

B. N. BANERJEE.
Secretary-General

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